

REMARKS

Claims 1 to 64 are pending, claims 1 to 46, 56, and 58 are withdrawn from consideration, and claims 47 to 55, 57, and 59 to 64 are pending and rejected. Applicant is herein amending claims 47 and 60, and canceling claims 1 to 46, 56, and 58, without prejudice or disclaimer. Applicant requests reconsideration of the rejection in light of the amendments to the claims and the following response.

Interview Summary

Applicant Doug Galbraith and the undersigned attorney thank the Examiner for spending the time and effort to prepare for and conduct the applicant-initiated telephonic interview to discuss independent claim 47 in view of the Jaffe patent. As noted in the Examiner's interview summary, we agreed that the Jaffe patent did not disclose a traveling electric field to electrokinetically remove the adsorbed material from the adsorbent with the traveling electric field, as recited in our proposed amended claim 47 (where the term "electrokinetically" was to be inserted before "removing").

Amendments to Claims

Applicant is herein amending claim 47 and 60 to more clearly specify that the adsorbed material is removed "electrokinetically" by the traveling electric field. No new matter is introduced by the amendments to the claims. Support may be found in the specification, *inter alia*, on page 14, line 13 to page 16, line 10.

Applicant is herein canceling claims 1 to 46, 56, and 58, without prejudice or disclaimer, as directed to non-elected subject matter. Applicant explicitly reserves the right to pursue the non-elected subject matter in one or more divisional applications.

Applicant requests the entry of the amendment under 37 C.F.R. § 1.116(b) because the amendments to the claims either cancel claims, comply with requirements of form expressly set forth in a previous Office Action, or present the rejected claims in better form for consideration on appeal.

Rejection under 35 U.S.C. § 102(e)

Claims 47 to 55, 57, and 59 to 64 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by US-B-7,077,891 (“Jaffe patent”). Applicant respectfully traverses the rejection because the Jaffe patent does not disclose, teach, or suggest a process of separating materials including a step, *inter alia*, where the absorbent material is electrically charged so as to generate *a traveling electric field* to desorb the adsorbed material and *electrokinetically* remove it from the absorbent. Furthermore, with respect to independent process claim 60, the Jaffe patent does not disclose, teach, or suggest any process for thermal management using any working fluid.

The Jaffe patent discloses in claim 20 a pressure swing adsorption apparatus where the sheet that forms the parallel passage contactor is electrically contacted at both ends. The Jaffe patent is otherwise silent with respect to this aspect of the apparatus. No description is provided in the specification that indicates how the electrical contact at both ends is used in the device. No step is described where the absorbent material is electrically charged so as to generate *a traveling electric field* to desorb the adsorbed material and remove it from the absorbent, a required step in independent process claim 47 and independent process claim 60, and each of their dependent claims. The Jaffe patent is merely passing a current through the adsorbent (for ohmic heating or activation of the adsorbent) to assist the desorption process, but a pressure change to move gases in and out of the system. The process of claim 47, on the other hand, uses the traveling electric field to simultaneously induce movement of the fluid and assist desorption with the traveling electric field.

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37 CFR § 1.116**

Furthermore, the Jaffe patent does not disclose, teach, or suggest any process for thermal management using a working fluid, as required by independent process claim 60 and its dependent claims.

Accordingly, the rejection for alleged anticipation of claims 47 to 55, 57, and 59 to 64 under 35 U.S.C. under 35 U.S.C. § 102(e) by the Jaffe patent is improper and should be withdrawn. *Akzo v. U.S.I.T.C.*, 808 F.2d 1471, 1480 (Fed. Cir. 1986) (anticipatory reference must “clearly and unequivocally disclose the claimed [invention] or direct those skilled in the art to the [invention] without any need for picking, choosing and combining various disclosures not directly related to each other by the teachings of the cited reference.”).

Conclusions

Applicant requests:

- entry of the amendments to the claims; and
- reconsideration and withdrawal of the novelty rejection of claims 47 to 55, 57, and 59 to 64 and allowance thereof.

If the Examiner is of a contrary view, the Examiner is requested to contact the undersigned attorney at (404) 459-5642.

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